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COMMISSION ON HUMAN RIGHTS

Fifty-fourth session

SUMMARY RECORD OF THE 38th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 9 April 1998, at 10 a.m.

Chairman: Mr. SELEBI (South Africa)

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(b) STUDY OF SITUATIONS WHICH APPEAR TO REVEAL A CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS AS PROVIDED FOR IN COMMISSION RESOLUTION 8 (XXIII) AND ECONOMIC AND SOCIAL COUNCIL RESOLUTIONS 1235 (XLII) AND 1503 (XLVIII): REPORT OF THE WORKING GROUP ON SITUATIONS ESTABLISHED BY ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1990/41 OF 25 MAY 1990 (continued)

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The meeting was called to order at 10.30 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(b) STUDY OF SITUATIONS WHICH APPEAR TO REVEAL A CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS AS PROVIDED FOR IN COMMISSION RESOLUTION 8 (XXIII) AND ECONOMIC AND SOCIAL COUNCIL RESOLUTIONS 1235 (XLII) AND 1503 (XLVIII): REPORT OF THE WORKING GROUP ON SITUATIONS ESTABLISHED BY ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1990/41 OF 25 MAY 1990 (agenda item 10) (continued)

1. The CHAIRMAN said that the Commission had considered agenda item 10 (b) in closed session at its 36th and 37th meetings on 8 April 1998. It had had before it for consideration under Economic and Social Council resolution 1503 (XLIII) the human rights situations in Chad, the Gambia, Japan, Kyrgyzstan, Paraguay, Peru, Saudi Arabia, Sierre Leone and Yemen. The Commission had decided to discontinue consideration of the human rights situations in Japan, Kyrgyzstan, Paraguay, Peru, Saudi Arabia and Yemen.

2. He reminded the members of the Commission that, in conformity with paragraph 8 of Economic and Social Council resolution 1503 (XLVIII), they should not make any reference in public debate to the confidential decisions taken under that resolution or to any confidential material relating thereto.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

(a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT

(b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

(agenda item 5) (continued) (E/CN.4/1998/L.9, L.16, L.17, L.20/Rev.1, L.29, L.31 and L.35)

3. The CHAIRMAN said that the programme budgetary implications were not yet available for some of the draft resolutions. The Bureau therefore proposed that action should be deferred on draft resolutions E/CN.4/1998/L.16, L.17, L.29, and L.35.

4. Mr. FERNANDEZ PALACIOS (Cuba) said he was surprised that the Secretariat had waited until the day on which the draft resolution on foreign debt (E/CN.4/1998/L.17) was to be introduced before making its announcement about

the budgetary implications, in view of the fact that the draft resolution in question had been submitted on 31 March 1998. Such lack of transparency was unacceptable.

5. The CHAIRMAN, said he took it that the Commission wished to adopt the Bureau's proposal.

6. It was so decided.

Draft resolution on human rights and unilateral coercive measures (E/CN.4/1998/L.9)

7. Mr. CASTRO (Observer for Colombia), introducing the draft resolution on behalf of the Non-Aligned Movement and China, said that the unilateral imposition of coercive economic measures, the extraterritorial application of domestic laws and the misuse of trade instruments constituted some of the most flagrant attacks on the survival of States, with dire effects on whole populations. No State was entitled to use its national interest as a pretext for infringing the sovereignty of other States by imposing measures that ran counter to international law and the Charter of the United Nations.

8. Ms. RUBIN (United States of America), speaking in explanation of vote before the voting, said that her delegation would vote against the draft resolution because each nation should be free to decide with whom to trade and under what conditions.

9. At the request of the representative of Cuba, the vote was taken by roll call.

10. Luxembourg, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Belarus, Bhutan, Botswana, Brazil, Cape Verde, Chile, China, Congo, Cuba, Democratic Republic of the Congo, Ecuador, El Salvador, Guatemala, Guinea, India, Indonesia, Madagascar, Malaysia, Mexico, Morocco, Mozambique, Nepal, Pakistan, Peru, Philippines, Russian Federation, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, Uganda, Uruguay, Venezuela.

Against: Canada, Germany, Japan, Luxembourg, Republic of Korea, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Czech Republic, Denmark, France, Ireland, Italy, Poland, Ukraine.

11. The draft resolution was adopted by 37 votes to 7, with 8 abstentions.*

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* The delegation of Mali subsequently informed the Commission that it had intended to vote in favour of the draft resolution.

Draft resolution on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights (E/CN.4/1998/L.20/Rev.1)

12. Ms. DIALLO (Senegal), introducing the draft resolution on behalf of the African Group, said that consultations failed to achieve a compromise. Some delegations - from countries which claimed to be champions of human rights - maintained that the Commission was not competent to deal with the issue. All that the draft resolution sought to do, however, was to consider remedies for the universally acknowledged harmful effects of the dumping of toxic wastes on the enjoyment of human rights. The main provision, in paragraph 10, was the renewal of the Special Rapporteur's mandate for three years. In that connection, she recalled that a lack of financial and human resources had prevented the Special Rapporteur from carrying out her work for two years of her first mandate and that the Commission had only just received a first substantial report.

13. The only aim of some delegations appeared to be to remove consideration of the question from the Commission and to rely solely on the provisions of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal. The Convention was not, however, concerned with the human rights aspects, and had not been ratified by all States. The African Group recognized the global and multidisciplinary nature of the problems caused by the dumping of toxic waste but intended to continue its consideration of the issue in a human rights perspective.

14. Mrs. KLEIN (Secretary of the Commission) said that the observers for Costa Rica, Iraq, the Libyan Arab Jamahiriya and Paraguay had become sponsors of the draft resolution.

15. Ms. RUBIN (United States of America), speaking in explanation of vote before the voting, said that, although her delegation had appreciated its consultations with the sponsors of the draft resolution, the issue - a serious one - should be addressed by the organizations most equipped to do so, namely the secretariat of the Basel Convention and the Commission on Sustainable Development. She did not believe that the Commission on Human Rights could deal with the issue in any meaningful way.

16. Mr. HAMIDON (Malaysia), supported by Mr. LEPATAN (Philippines), said that his delegation would abstain because the issue did not come within the purview of the Commission. The Basel Convention and the Commission on Sustainable Development were best equipped to deal with it.

17. Mr. HÖYNCK (Germany) said that, while his delegation shared the African Group's concern, the question was how best to deal with a serious problem. He regretted that it had not been possible to achieve consensus on the draft resolution, but hoped that the process of consensus-building would continue.

18. Mr. COMBA (Office of the High Commissioner for Human Rights) said that, if adopted, the draft resolution would renew the mandate of the Special Rapporteur for a period of three years. The amount of $45,000 for travel and

per diem for the Special Rapporteur had been allocated under section 22 of the programme budget for the biennium 1998-1999. The allocation for the third year of that mandate would come under the budget for the biennium 2000-2001.

19. At the request of the representative of Senegal, a vote was taken by roll-call on the draft resolution.

20. Denmark, having been drawn by lot by the Chairman, was called upon to vote first:

In favour: Argentina, Bangladesh, Bhutan, Botswana, Brazil, Cape Verde, Chile, China, Congo, Cuba, Democratic Republic of the Congo, Ecuador, El Salvador, Guinea, India, Indonesia, Madagascar, Mali, Mexico, Morocco, Mozambique, Nepal, Pakistan, Peru, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, Uganda, Uruguay, Venezuela.

Against: Belarus, Canada, Czech Republic, Denmark, France, Germany, Italy, Japan, Luxembourg, Poland, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Guatemala, Ireland, Malaysia, Philippines, Republic of Korea.

21. The draft resolution was adopted by 33 votes to 14, with 6 abstentions.

Draft decision on the effects of structural adjustment policies on the full enjoyment of human rights (E/CN.4/1998/L.31)

22. Mr. LEPATAN (Philippines) said that, in submitting the draft decision, the Philippines, as chair of the Open-Ended Working Group on Structural Adjustment Programmes and Economic, Social and Cultural Rights, was requesting the Commission to confirm the decision of the previous Bureau to allow the working group and the independent expert to complete the work already begun. Recent developments, particularly in the Asia and Pacific region, had increased the relevance of the draft decision. While structural adjustment was necessary to promote economic stability, growth and development, experience had shown that it had a negative effect on the daily lives of the lowest income groups.

23. The realization of economic, social and cultural rights and the obstacles to their full enjoyment were major concerns of the Commission and the question arose whether it should involve itself in consideration of the social impact of structural adjustment or leave the matter to more technically equipped bodies. His own delegation believed that the Commission had a duty to participate in the process and that it could make a meaningful contribution because it was the body best equipped to understand human rights.

24. Mr. COMBA (Office of the High Commissioner for Human Rights) said, with regard to the programme budget implications of the draft decision, that the costs for the five working days of meetings that would be authorized for the open-ended working group would be absorbed within the budget of the Office of

the High Commissioner. The conference servicing requirements would also be provided from existing resources. Funding was already available for the travel and expenses of the independent expert.

25. Mr. SUMI (Japan), speaking in explanation of vote before the vote, said that his Government attached great importance to structural adjustment policies and recognized that they should be consistent with human rights. However, it did not believe that the working group and the independent expert referred to in the draft decision were appropriate means of addressing the Commission's concerns. In addition, his delegation regretted that the draft decision might give a wrong message to the international community, and especially to the people of South-East Asia, who were struggling to cooperate with each other for economic recovery. In the light of those concerted efforts to solve the economic crisis there, his delegation believed that the draft decision was inadequate and misleading and would consequently vote against it.

26. At the request of the representative of the Philippines, a vote was taken by roll-call on the draft decision.

27. Luxembourg, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Bhutan, Botswana, Brazil, Cape Verde, Chile, China, Congo, Cuba, Democratic Republic of the Congo, Ecuador, El Salvador, Guatemala, Guinea, India, Indonesia, Madagascar, Malaysia, Mali, Mexico, Morocco, Mozambique, Nepal, Pakistan, Philippines, Republic of Korea, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, Uganda, Uruguay, Venezuela.

Against: Austria, Belarus, Canada, Denmark, France, Germany, Ireland, Italy, Japan, Luxembourg, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Czech Republic, Peru, Poland.

28. The draft decision was adopted by 36 votes to 14, with 3 abstentions.

INDIGENOUS ISSUES (agenda item 23) (continued) (E/CN.4/1998/L.22, L.23 and L.24; E/CN.4/1998/2-E/CN.4/Sub.2/1997/50, chapter I, draft decisions 1, 2 and 3)

Draft resolution on the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the International Decade of the World's Indigenous People (E/CN.4/1998/L.22)

29. Mr. ASH (Observer for New Zealand), introducing the draft resolution, said it underlined the determination of the Commission to promote the human rights and fundamental freedoms of indigenous people. It also proposed further steps towards realizing the goal of the International Decade, paid

tribute to the important role of the Working Group on Indigenous Populations and welcomed the Working Group's decision to highlight specific themes of the International Decade as part of its comprehensive review of the diverse situations of the world's indigenous people.

30. The second part of the draft resolution urged continuing action by Governments, intergovernmental and non-governmental organizations and United Nations bodies and agencies. It also encouraged activities that could strengthen the capacity of indigenous people to develop their own solutions with respect to indigenous issues in education.

31. Mrs. KLEIN (Secretary of the Commission), said that the delegations of Brazil and France and the observers for Andorra, Bolivia, Colombia and Costa Rica had become sponsors of the draft resolution.

32. Mr. COMBA (Office of the High Commissioner for Human Rights) said, with regard to the programme budget implications of the draft resolution, that five working days of meeting time had been included under section 22 of the programme budget for the biennium 1998-1999. Travel costs would be covered under the budget allocation for the Sub-Commission. Support services from the Office of the High Commissioner and conference servicing requirements would be provided from existing resources.

33. As for the workshop on research and higher education, the associated costs, estimated at $70,000, would be financed from the Voluntary Fund for the International Decade of the World's Indigenous People.

34. The draft resolution was adopted.

Draft resolution on the Working Group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994 (E/CN.4/1998/L.23)

35. Ms. CHATSIS (Canada), introducing the draft resolution, said that it authorized the open-ended inter-sessional working group established in accordance with Commission resolution 1995/32 to meet for a period of 10 working days prior to the Commission's fifty-fifth session. Adoption of that resolution was an important expression of the commitment to the goal of adopting an effective and universal declaration on the rights of indigenous people. Some progress had been achieved at the last session, and her delegation looked forward to continued work towards a strong and effective declaration, which remained a high priority for her Government.

36. Mrs. KLEIN (Secretary of the Commission) said that the delegations of Brazil, Ecuador, the Russian Federation and the United States of America and the observers for Estonia, Greece and Spain had become sponsors of the draft resolution.

37. Mr. COMBA (Office of the High Commissioner for Human Rights), said that the 10 working days of meeting time authorized in paragraph 4 of the draft resolution would be absorbed in the programme budget for the Office of the High Commissioner for Human Rights. Likewise, the conference services required could be provided from existing resources.

38. The draft resolution was adopted.

Draft resolution on a permanent forum for indigenous people in the United Nations system (E/CN.4/1998/L.24)

39. Mr. LEHMANN (Denmark), introducing the draft resolution, said that its text drew on the general sense of the debate that the time had come to consider at an intergovernmental level the question of the establishment of the permanent forum. The open-ended inter-sessional ad hoc working group would submit proposals on the forum to the Commission at its fifty-fifth session.

40. To make it quite clear that no assumptions were being made as to the outcome of the deliberations of the ad hoc working group, the phrase "possible establishment of" should be inserted before the words "a permanent forum" in the third line of paragraph 4. In paragraph 2, after the symbol of the report from the Santiago Workshop, the phrase "and addenda" should be added. Finally, in the fifth line of the second preambular paragraph, the phrase "the need to establish" should be replaced by "the striking absence of" in order to maintain consistency with the language of the report of the Secretary-General referred to in that paragraph.

41. Mrs. KLEIN (Secretary of the Commission) said that the delegation of Ecuador and the observers for Andorra, Belgium, Colombia, Costa Rica, Iceland and the Netherlands had become sponsors of the draft resolution.

42. Mr. ALFONSO MARTÍNEZ (Cuba) said he had a number of reservations regarding the draft resolution, notably in respect of the meaning of the phrase "from within existing overall United Nations resources" in paragraph 4. He was also concerned about the usefulness of the proposed open-ended inter-sessional ad hoc working group. The representative of Denmark had suggested that the working group would merely be considering various proposals for the establishment of a permanent forum, but there were a number of important issues still to be defined, such as whether it should be an administrative or deliberative body, what its mandate should be, how indigenous representatives would participate, how it should be financed, and what relationship it should have with the Working Group on Indigenous Populations. The ad hoc working group would have to deal with all those matters in five working days, and he questioned whether the expenditure involved was justified.

43. Mr. COMBA (Office of the High Commissioner for Human Rights) said that the meeting of the ad hoc working group, which was to last five working days, would be serviced out of existing resources in the 1998-1999 budget by staff of the Office of the High Commissioner for Human Rights, and the conference services would be provided out of the regular 1998-1999 budget.

44. Mr. ALFONSO MARTÍNEZ (Cuba) said that, if the resources required for the ad hoc working group were to be absorbed within existing expenditure, that would presumably mean that the staff concerned would not be performing other tasks.

45. Mr. LEHMANN (Denmark) said there had been extensive consultations on the draft resolution in which all delegations had been invited to participate. It

was time to look at practical ways of advancing the process. The ad hoc working group would consider concrete proposals, some of which might be to the effect that there should not be a permanent forum of indigenous people within the United Nations system.

46. As for participation, paragraph 7 clearly stated that it would be the same as agreed upon for the working group established in accordance with Commission resolution 1995/32 and the annex attached thereto. The composition and financing of a permanent forum were matters that would have to be discussed in detail by the ad hoc working group. He appealed to the representative of Cuba to allow the draft resolution to be adopted by consensus.

47. Mr. BERNARD (France) said that the Chairman had stated earlier that the Bureau had decided to defer votes on all draft resolutions having new financial implications, yet discussions were currently being held on a draft resolution which did have such implications. The representative of the Secretariat had explained that the ad hoc working group would be funded from within existing resources, but his delegation wondered whether all draft resolutions having financial implications were regarded as equal or whether some were considered to have a better chance than others.

48. Mr. FERNÁNDEZ PALACIOS (Cuba) said that that was the crux of the matter: the representative of the Office of the High Commissioner for Human Rights should clarify how it was possible to absorb the expenditure within existing resources in the case of the current draft resolution, when it had not been possible to do so in respect of the draft resolution on the right to food (E/CN.4/1998/L.16).

49. The CHAIRMAN said that, when the Bureau had decided that all draft resolutions which could be handled within existing resources would be dealt with, it had not asked where the requisite funds would come from.

50. Mr. COMBA (Office of the High Commissioner for Human Rights) explained that no general operating costs would be involved in the five-day meeting of the ad hoc working group. It would take place at Geneva and involve delegations that were already in Geneva: there would be no travel costs, daily subsistence allowances or terminal expenses. The conference servicing could be absorbed within the existing budget and the working time of the regular staff of the Office of the High Commissioner for Human Rights could also be absorbed within the existing budget.

51. Mr. ALFONSO MARTINEZ (Cuba) said that the same arguments could have been applied in respect of the draft resolution on the right to food (E/CN.4/1998/L.16). The fact was that members of the staff of the Office of the High Commissioner would have to stop work on other activities in order to service the ad hoc working group. It would be useful if the representative of Denmark, the representative of the Office of the High Commissioner for Human Rights and he himself could jointly give further consideration to all the financial implications of the draft resolution and agree on a satisfactory text.

52. Mr. LEHMANN (Denmark) said that the financial implications had been spelled out in detail, and he was not prepared to look again at the text of the draft resolution with a view to ensuring that it would contain no financial implications at all.

53. The CHAIRMAN suggested that the Commission might postpone discussion of the draft resolution until its next meeting.

54. It was so decided.

Draft decision 2 on protection of the heritage of indigenous people recommended to the Commission for adoption by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1998-E/CN.4/Sub.2/1997/50)

55. Mr. VERGNE SABOIA (Brazil) proposed an amendment to the text of the draft decision, namely, that the expression "indigenous people" should replace the words "indigenous peoples" wherever they appeared.

56. The Brazilian amendment was adopted.

57. Mr. COMBA (Office of the High Commissioner for Human Rights) said that, according to the draft decision, the Commission would endorse the recommendation of the Sub-Commission on the organization of a seminar on the draft principles and guidelines for the protection of the heritage of indigenous people, the cost of which would be approximately US$ 46,000, chargeable to the Voluntary Fund for the International Decade.

58. The draft decision, as orally amended, was adopted.

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS (agenda item 11) (continued) (E/CN.4/1998/L.27, L.28 and L.30)

Draft resolution on the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (E/CN.4/1998/L.27)

59. Mr. MUÑOZ-LEDO (Mexico), introducing the draft resolution, said that 10 more ratifications or accessions were needed for the Convention to enter into force. The draft resolution thus called upon all Member States to consider the possibility of signing and ratifying or acceding to the Convention as a matter of priority, welcomed the launching of the global campaign for the entry into force of the Convention, invited organizations and agencies of the United Nations system, as well as intergovernmental and non-governmental organizations, to intensify their efforts and requested the Secretary-General to submit to the Commission at its fifty-fifth session a report on the status of the Convention.

60. Mrs. KLEIN (Secretary of the Commission) said that the delegations of Bangladesh, Cape Verde and Tunisia and the observer for Portugal had become sponsors of the draft resolution.

61. The draft resolution was adopted.

Draft resolution on migrants and human rights (E/CN.4/1998/L.28)

62. Mr. MUÑOZ-LEDO (Mexico), introducing the draft resolution, said that it noted with appreciation that the questionnaire submitted by the working group of intergovernmental experts on the human rights of migrants had received an unprecedentedly large number of responses from Governments in a short period of time. The working group still had a great deal to do and the Commission should give favourable consideration to extending its mandate. It could meet prior to the fifty-fifth session of the Commission.

63. Mrs. KLEIN (Secretary of the Commission) said that the delegations of Pakistan, Senegal and Uruguay had become sponsors of the draft resolution.

64. Mr. COMBA (Office of the High Commissioner for Human Rights) said that the financial implications of the draft resolution consisted of the travel and per diem costs of the five experts, which were preliminarily estimated at approximately US$ 40,000. Those additional requirements would be included in a programme budget implications statement to be submitted to the next session of the Economic and Social Council in the context of the Council's review of the Commission's report on its fifty-fourth session. Substantive servicing of the working group would be provided by the staff of the Office of the High Commissioner and absorbed within the budget for the 1998-1999 biennium, and conference servicing requirements would be covered from within existing resources under the budget for that biennium.

65. The draft resolution was adopted.

Draft resolution on violence against women migrant workers (E/CN.4/1998/L.30)

66. Ms. CALLANGAN (Philippines), introducing the draft resolution, stressed the importance of the issue and pointed out that resolutions on the same subject had been adopted by the General Assembly and the Commission on the Status of Women. There were a few changes to be made to the text: in the first line of paragraph 2, the words "particularly of sending and receiving countries" should be inserted after the words "Invites Governments" and, in the fourth line of the same paragraph, the words "including the causes of outflow of women migrant workers" should be inserted after the words "violence against women migrant workers".

67. The draft resolution, as orally revised, was adopted.

RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES (agenda item 16) (continued) (E/CN.4/1998/L.32 and L.33)

Draft resolution on the situation of human rights in Latvia (E/CN.4/1998/L.32)

68. Mr. KRYLOV (Russian Federation) said that the views previously expressed by his delegation concerning violations of the human rights of persons of non-Latvian origin residing in Latvia represented the position not only of his Government but also of wide circles of Russian civil society. Those views were reflected in concentrated form in the draft resolution.

69. However, a number of delegations, particularly those of some members of the European Union, while sharing those views in principle, had appealed to his delegation not to put the draft resolution to the vote. Discussions had also taken place between the Russian Minister for Foreign Affairs and his opposite numbers in many countries of the European Union and, more particularly, with the Foreign Secretary of the United Kingdom, the country currently holding the presidency of the European Union. Approaches had also been made at various levels by representatives of Latvia.

70. His delegation had never been in favour of confrontation, least of all in such a body as the Commission, and did not regard the adoption of the draft resolution as an end in itself; its principal concern was for the genuine improvement of the situation of Latvia's Russian-speaking population. A recent statement by the President of Latvia expressing his intention to make use of his constitutional powers to settle the problems of residents of non-Latvian origin, and in particular to endeavour to amend the Latvian Citizenship Act, appeared promising in that regard.

71. In addition, members of the European Union capable of exerting a certain leverage on the Government in Riga had assured his delegation that they would do their utmost to encourage Latvia to keep its promises and that an improvement in the situation of minorities would form an important part of the requirements addressed to Latvia in the context of negotiations concerning that country's entry into the European Union. His delegation also hoped that the Secretary-General and the High Commissioner would, as promised, keep the development of the situation in Latvia under review.

72. In the light of all those factors, his Government had decided not to insist that the draft resolution be considered at the Commission's current session. His delegation hoped that its gesture of goodwill would be duly appreciated and that genuine shifts in the situation in Latvia would become apparent in the very near future, failing which, his Government reserved the right to raise the matter again in United Nations forums.

73. The draft resolution was withdrawn.

Draft resolution on the rights of persons belonging to national or ethnic, religious and linguistic minorities (E/CN.4/1998/L.33)

74. Mr. DESSER (Austria), introducing the draft resolution, said that some of its sponsors had expressed a preference for the wording that had been used at the Commission's previous session. Accordingly, paragraph 3 should be modified to read:

> "3. Urges States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration, including through the facilitation of their participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development of the country;".

75. A new paragraph would then be inserted to read:

"4. Also urges States to take, as appropriate, all the necessary constitutional, legislative, administrative and other measures to promote and give effect to the Declaration;".

76. The subsequent paragraphs would be renumbered accordingly and former paragraph 5, renumbered 6, should be modified to read:

"6. Recommends that the human rights treaty bodies, when considering reports submitted by States parties, give particular attention to the articles relating to the rights of persons belonging to national or ethnic, religious and linguistic minorities;".

77. Considering the importance of the subject of the draft resolution, the valuable work done to date by the Working Group on Minorities of the Sub-Commission and the large number of sponsors, he hoped that the text, as orally revised, would be adopted by consensus.

78. After a brief discussion in which Mr. OUAYES (Bangladesh), Ms. JANJUA (Pakistan) and Mr. DESSER (Austria) took part, the CHAIRMAN suggested that consideration of the draft resolution be deferred until the following meeting.

79. It was so agreed.

The meeting rose at 12.55 p.m.